

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD HENEGHAN, : CIVIL ACTION
Plaintiff, :
 :
 : No.: 09-cv-4979
v. :
 :
 :
NORTHAMPTON COMMUNITY : HON. LAWRENCE STENGEL
COLLEGE, DR. ELIZABETH BUGAIGHIS:
and DR. HELENE M. WHITAKER, :
Defendants. : JURY TRIAL DEMANDED

**REPORT OF RULE 26(f) CONFERENCE
AND PROPOSED CASE MANAGEMENT ORDER**

The Parties hereto, having conferred pursuant to Federal Rule of Civil Procedure 26(f) jointly request the entry of a Pre-trial Scheduling Order pursuant to Federal Rule of Civil Procedure 16, as follows:

A. Initial Disclosures Pursuant to Rule 26(a)(1)

Defendants have filed a Motion to Dismiss which is pending. Rule 26 Disclosures are therefore not yet due.

B. Discovery: Subject(s), Timing, Phases

- a. All fact discovery shall be completed by November 5, 2010.
- b. Any dispositive motions shall be filed and served on or before December 3, 2010. Any responses to dispositive motions will be filed and served on or before December 20, 2010.

c. **Expert Witnesses**

1. Plaintiff shall identify any person(s) whom he intends to call as an expert witness at trial and serve such witness(es)' report(s) upon Defendants no later than November 5, 2010.
2. Defendants shall identify any person(s) whom they intend to call as an expert witness at trial and serve such witness(es)' report(s) upon Plaintiff no later than December 3, 2010.
3. Plaintiff serve any expert witness(es)' rebuttal report(s) upon Defendants no later than December 17, 2010.

C. **Early Settlement Prospects/Procedures --**

D. **Trial Date** – Parties believe that this case will be ready for trial 90 days after the close of fact discovery or the disposition of dispositive motions, whichever is later.

E. **Electronic Discovery**

The parties do not anticipate the need for any special management related to discovery of electronically stored information (“ESI”) at this time. Plaintiff and Defendants do not believe that they are in possession of any ESI. In the event that production of ESI in other forms becomes necessary, the parties will collaborate to facilitate the production, and in the event of the parties' inability to do so, will seek intervention of the Court. Further, any party responding to requests for ESI which has elected to produce ESI in hard copy form, will make ESI available in electronic format upon request of the other party.

F. Issues Relating to Claims of Privilege or of Protection as Trial Preparation Material

The parties do not presently anticipate any unique issues relating to claims of privilege or of protection as trial preparation material. The parties agree that any inadvertent inclusion of any privileged material shall not result in the waiver of any associated privilege nor result in a subject matter waiver of any kind. The parties agree to return any and all privileged material inadvertently disclosed immediately upon notice of the disclosure. The parties agree that no copies will be made of the inadvertently disclosed materials, and any and all copies previously made will be destroyed.

G. Changes to the Limitations of Discovery; Other Discovery Issues

The parties do not anticipate requiring any changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure; or Local Rules of this Court.

H. Protective Orders

The parties anticipate the need for an order to issue pursuant to Federal Rule of Civil Procedure 26(c) relating to proprietary and/or confidential information and/or medical information. The parties will cooperate in the preparation of an appropriate order.

Respectfully submitted,

HAHALIS & KOUNOUPIS, P.C.

KING, SPRY, HERMAN, FREUND &
FAUL, LLC

By: dd4739

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